

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 20386 of 2019
Date of Decision:-10.05.2019**

Sunny alias Amar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Sunny @ Amar Singh has preferred this petition for grant of regular bail pending trial in case FIR No.04 dated 06.1.2019, under Sections 20, 61, 85 of NDPS Act (later on Section 27-A of NDPS Act, 1985 and Section 120-B IPC added), registered at Police Station Khol, District Rewari. The petitioner is in custody since his arrest on 12.1.2019.

The FIR was registered upon recovery of 1.368 kilograms of Sulpha from three accused persons, namely, Rakesh Pal, Shamshad and Dilbag. It is the case of the prosecution that a secret information was received, wherein, it was intimated that these three persons are bringing Sulpha from Himachal Pradesh to Rewari. A Naka was set up and after

some time, a vehicle bearing No.DL4C-AA-6178 was seen coming and upon signal the vehicle was stopped. All the three persons were occupants of this vehicle and after completion of formalities, the alleged contraband was recovered and accused were arrested.

After completion of recovery proceedings, the accused informed the police that the said contraband was to be delivered to petitioner Naresh r/o Village Aulant, Police Station Khol, District Rewari.

Learned counsel for the petitioner contends that only material to indict the petitioner is the statement of co-accused, who were found in possession of the contraband and arrested on the spot and the said statements given may not be admissible. According to him, possession of the contraband is an offence and even if the statement, is to be believed, the offence qua the petitioner was not at all complete. According to learned counsel, the case of the petitioner is at par with accused Naresh, to whom concession of bail has been extended by this Court vide order dated 01.4.2019 in CRM-M-13854 of 2019.

The bail application is opposed by learned State counsel, who is assisted by ASI Dharampal. It is not disputed that the investigation of the case is complete and involvement of the petitioner is founded on the statements suffered by the co-accused, from whom, the alleged contraband was recovered. It is informed that the alleged contraband recovered from three accused persons, namely Rakesh Pal, Shamshad and Dilbag, which was to be delivered to accused Naresh and the said accused persons produced the contraband from petitioner Sunny alias Amar Singh.

Considering the above and the case set up by the prosecution qua the petitioner and the fact that the trial is likely to consume some time, no useful purpose will be served by detaining the petitioner any further in custody. Resultantly, without commenting anything upon merits of the case, the petitioner, namely, Sunny alias Amar Singh is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No